UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN

Case No.: 24-10963

COMERICA BANK

Plaintiff

VS.

FEDERAL RESERVE BANK OF ATLANTA Defendant

COMPLAINT

Plaintiff Comerica Bank ("Comerica") complains against defendant Federal Reserve Bank of Atlanta ("FRB Atlanta") as follows:

PARTIES – JURISDICTION – VENUE

- This court has subject matter jurisdiction over this action for money damages because Comerica's claim arises under the laws of the United States. 28 USC 1331; 12 USC 632; 12 CFR 210.6.
- 2. Comerica seeks money damages for FRB Atlanta's breach of warranty that it made as a matter of law when it presented check # 167842 (the "Check") to Comerica for payment. (Exhibit 1 is an image of the Check).
- 3. Comerica is a banking association organized under Texas law and conducts business operations in this judicial district.
- 4. FRB Atlanta is a federal corporation organized under United States law.
- 5. Venue is proper in this district because a substantial part of the events or

omissions giving rise to the action occurred here. *See* 28 USC 1391 and other venue statues. Comerica conducts banking operations at its Livonia Operations Center where it processes checks drawn on Comerica customer accounts – including the Check – upon presentment.

BREACH OF WARRANTY CLAIM: CHECK # 167842

- 6. At all times relevant to this action, Great Lakes Wine & Spirits LLC ("Great Lakes Wine") has been a Comerica deposit customer.
- 7. For years FN Cellars, LLC, which operates out of Oakville, California, had been a regular seller of goods to Great Lakes Wine for which it had been paid by check. In its dealings with Great Lakes Wine, this vendor regularly goes by its trademarked name "Far Niente." (Exhibit 2, other checks to "Far Niente").
- 8. On March 4, 2022, Great Lakes Wine drew the Check against its Comerica account payable to the order of "Far Niente" in the amount of \$183,123.00. (Exhibit 1, the Check).
- 9. Great Lakes Wine mailed the Check to Far Niente's address as a combined payment on three invoices, 2044870, 2045114, and 204394. (Exhibit 3).
- 10. "Far Niente" was Great Lakes Wine's intended payee on the Check within the meaning of Section 3-110(a) of the Uniform Commercial Code.
- 11. Sometime between March 4, 2022 and April 11, 2022, under circumstances presently unknown to Comerica, a fraudster intercepted the Check and then

misappropriated its proceeds by means of the scheme alleged below:

- a. On April 11 (38 days after Great Lakes Wine issued the Check),
 someone formed a new entity in Missouri named "Far Niente LLC."
 (Exhibit 4). There was no connection between this sham entity and
 Great Lakes Wine's vendor and intended payee on the Check.
- b. On April 12, the new Missouri entity "Far Niente LLC" opened two new accounts at Neighbors Credit Union ("NCU") (see Exhibit 5, account statement referencing "NEW ACCT").
- c. On April 13, NCU accepted the Check for deposit into one of Far Niente LLC's new accounts over a fraudulent handwritten endorsement. (Exhibit 1).
- d. On April 14, NCU transferred the Check for forward collection to FRB
 Atlanta. FRB Atlanta in turn presented an electronic image of the
 Check to Comerica. Comerica paid the Check in good faith on April 14.
- e. By April 25, Far Niente LLC had withdrawn from NCU all but \$16 of the funds traceable to the proceeds of the Check. (Exhibit 5).
- 12. On information and belief, Great Lakes Wine's intended payee "Far Niente" neither: (a) received nor endorsed the Check, (b) ever had any interest in the account at NCU into which the Check was deposited, nor (c) received any proceeds or benefit from the Check transaction. (Exhibit 6).

- 13. On or about May 18, 2022, Great Lakes Wine notified Comerica that the Check was not properly payable against its Comerica account.
- 14. On May 20, 2022, Great Lakes Wine issued Far Niente a replacement check (# 169383) for \$183,123.00, which Far Niente cashed. (Exhibit 7).
- 15. Before filing this action, Comerica unsuccessfully demanded payment from NCU. (Exhibit 8, cover letter accompanying demand).
- 16. NCU denied the claim even though Missouri Secretary of State public records show conclusively that "Far Niente LLC" was formed on April 11, more than six weeks after the Check had been drawn on March 4. This Missouri entity, therefore, could not have been the intended payee on the Check.
- 17. The Check was not endorsed as drawn.
- 18. The Check was not deposited to an account in the name of the intended payee.
- 19. When it transferred the Check to FRB Atlanta, NCU was neither entitled to enforce the Check nor authorized to collect on behalf of a person entitled to enforce the Check.
- 20. NCU breached its transfer and other warranties regarding the Check transaction.
- 21. NCU's transfer of the Check to FRB Atlanta neither entitled FRB Atlanta to enforce the Check nor authorized it to collect on behalf of a person entitled to enforce the Check.

- 22. When FRB Atlanta presented an electronic image of the Check to Comerica for payment, it warranted as a matter of law under 12 CFR 210.6 as follows:
 - (b) Warranties and liability. The following provisions apply when a Reserve Bank presents or sends an item.
 - (1) Warranties for all items. The Reserve Bank warrants to a subsequent collecting bank and to the paying bank and any other payor that (i) The Reserve Bank is a person entitled to enforce the item (or is authorized to obtain payment of the item on behalf of a person that is either entitled to enforce the item or authorized to obtain payment on behalf of a person entitled to enforce the item); *** (iii) The item bears all indorsements applied by parties that previously handled the item for forward collection or return.
- 23. FRB Atlanta breached its duties and warranties under 12 CFR 210, including the warranties in 12 CFR 210.6(b), and thereby damaged Comerica.
- 24. FRB Atlanta is liable to Comerica for damages consisting of the face amount of the Check, plus expenses of litigation, attorney fees, costs and interest.

RELIEF REQUESTED

Plaintiff Comerica Bank requests entry of a money judgment against defendant Federal Reserve Bank of Atlanta in the amount of \$183,123.00, plus compensation for expenses of litigation, attorney fees, costs, and interest.

/s/ David Wells
For Plaintiff Comerica Bank
Stancato Tragge Wells PLLC
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Detroit, MI 48201
(248) 731-4500
dwells@stwlawfirm.com
P47588

/s/ Henry Stancato
For Plaintiff Comerica Bank
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Detroit, MI 48201
(248) 731-4500
hstancato@stwlawfirm.com
P29538

COMPLAINT EXHIBITS

1	Check # 167842 (\$183,123.00)
2	Other checks payable to intended payee, Far Niente
3	Far Niente invoices supporting Check # 167842
4	Far Niente LLC filings in with the Missouri SOS
5	Far Niente LLC account statement from Neighbors Credit Union
6	Far Niente's Statement of Fraud
7	Replacement check # 169383 to Far Niente (\$183,123.00)
8	Comerica's claim letter to Neighbors Credit Union

Case 2:24-cv-10963-BRM-KGA ECF No. 1, PageID.8 Filed 04/12/24 Page 8 of 43



Current Date:

April 08, 2024

Account Number: Capture Date: Item Number:

April 14, 2022 5250113149354 April 14, 2022 Posted Item Number: 970506568 183,123.00

Amount: Record Type:

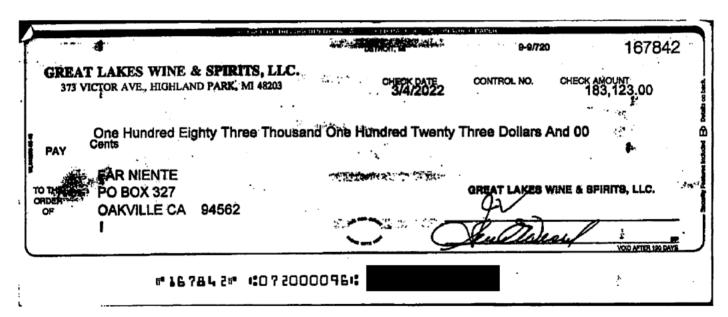
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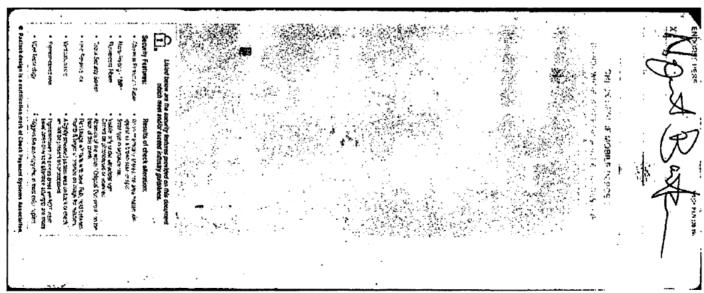
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RT Number:

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GREAT LAKES WINE & SPIRITS LLC DISBURSEMENT ACCOUNT 373 VICTOR ST HIGHLAND PARK MI 48203







April 05, 2024

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Posted Date:

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FN Cellars, LLC P.O. Box 327 Oakville, CA 94562 Phone: 707-944-2861

Fax:

FAR NIENTE
WINE ESTATES

Invoice No: 2044870 Invoice Date: 12/27/2021 Order No.: F49193 Order Date: 12/21/2021

Bill To: 005421

GREAT LAKES WINE AND SPIRITS 373 VICTOR HIGHLAND PARK, MI 48203-3117 Ship To: 01

GREAT LAKES WINE AND SPIRITS, WINE DISTRIBUTION CENTER 9900 VOLTE ST. DETROIT, MI 48227

Customer P.O. 212596 **P.O. Date** 12/21/2021

Ship Date 12/27/2021 Carrier

Product Description	Ordered	Shipped	Gallons \	Whse	Unit Price	Amount
Bella Union 18 Winemaker Series Cab CBUW186C 0.75 LITER	22	22	26.153	4785E	153.00	\$3,366.00
Bella Union 18 Cabernet Sauv CBU186B 0.75 LITER	12	12	14.265	4785E	200.00	\$2,400.00
Dolce 14 Lt Hrvst Dessert Wine DL1406 0.375 LITER	12	12	7.133	4785E	175.00	\$2,100.00
EnRoute Winemaker Series 19 Pinot PERW196C 0.75 LITER	88	88	104.612	4785E	129.00	\$11,352.00
Far Niente 19 Napa Valley Cabernet CSN192W 0.75 LITER	42	42	99.857	4785E	740.00	\$31,080.00
Far Niente 19 Est Chardonnay CH0192B 0.75 LITER	36	36	85.592	4785E	399.00	\$14,364.00
N&N 18 DeCarle Cabernet CDC186W 0.75 LITER	48	48	57.061	4785E	332.00	\$15,936.00
N&N '18 Dogleg Cabernet CSS186W 0.75 LITER	12	12	14.265	4785E	332.00	\$3,984.00



FN Cellars, LLC P.O. Box 327 Oakville, CA 94562 Phone: 707-944-2861

Bill To: 005421

Fax:

FAR NIENTE WINE ESTATES Invoice No: 2044870 Invoice Date: 12/27/2021 Order No.: F49193 Order Date: 12/21/2021

Ship To: 01

GREAT LAKES WINE AND SPIRITS

373 VICTOR HIGHLAND PARK, MI 48203-3117

GREAT LAKES WINE AND SPIRITS. WINE DISTRIBUTION CENTER 9900 VOLTE ST. DETROIT, MI 48227

Customer P.O. 212596 P.O. Date 12/21/2021 Ship Date 12/27/2021 Carrier

Product Description Ordered Shipped **Gallons Whse Unit Price** Amount N&N '18 Vaca Vista Cabernet 12 12 14.265 4785E 342.00 \$4,104.00 **CVV186W 0.75 LITER**

	14% Alcohol or Less Over 14 to 21%	Cases 12 272	Bottles 72 2100	Liters 27 1575	Gallons 7.1326 416.0709	TO	10 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
12	Invoice Totals:	284	2172	1602	423.2035	Harry Harry	
P	Please Print the I	nvoice N	umber on y	our Chec	k	Subtotal:	\$88,686.00
Terms: Net	45 Days	This i	nvoice is payo	able on or b	efore 02/11/22	Discount	445/655.55
Claims for short upon receipt of	ge of 1.5% per month will b rtage or damage should be f the goods. No allowance f sk of consignee. Merchandi	made to the for breakage.	transportation com Goods have been	npany by the cu	stomer immediately	TOTAL:	\$88,686.00

BY:

FN Cellars, LLC P.O. Box 327 Oakville, CA 94562 Phone: 707-944-2861

Fax:

FAR NIENTE WINE ESTATES

 Invoice No:
 2045114

 Invoice Date:
 1/7/2022

 Order No.:
 F49243

 Order Date:
 1/4/2022

Bill To: 005421

GREAT LAKES WINE AND SPIRITS 373 VICTOR HIGHLAND PARK, MI 48203-3117 Ship To: 01

GREAT LAKES WINE AND SPIRITS, WINE DISTRIBUTION CENTER 9900 VOLTE ST. DETROIT, MI 48227

Customer P.O. 212437 **P.O. Date** 1/4/2022

Ship Date 1/7/2022 Carrier

Product Description	Ordered	Shipped	Gallons \	Whse	Unit Price	Amount
Bella Union 18 Cabernet Sauv CBU186B 0.75 LITER	12	12 >	14.265	4785E	230.00	\$2,760.00
EnRoute Winemaker Series 19 Pinot PERW196C 0.75 LITER	18	18-	21.398	4785E	129.00	\$2,322.00
Far Niente 19 Est Chardonnay CH0192B 0.75 LITER	12	12 /	28.531	4785E	392.00	\$4,704.00
N&N 19 Branding Iron Cabernet CBI196W 0.75 LITER	24	24 /	28.531	4785E	347.00	\$8,328.00
N&N 19 C.C. Ranch Cabernet CCR196W 0.75 LITER	12	12 -	14.265	4785E	347.00	\$4,164.00
N&N 18 DeCarle Cabernet CDC186W 0.75 LITER	24	24	28.531	4785E	325.00	\$7,800.00
N&N '18 Dogleg Cabernet CSS186W 0.75 LITER	5	5 /	5.944	4785E	347.00	\$1,735.00
N&N 19 Quarry Cabernet CQY196W 0.75 LITER	12	12	14.265	4785E	347.00	\$4,164.00



FN Cellars, LLC P.O. Box 327 Oakville, CA 94562

Phone: 707-944-2861

Fax:

FAR NIENTE WINE ESTATES Invoice No: 2045114 Invoice Date: 1/7/2022 Order No.: F49243 Order Date: 1/4/2022

Bill To: 005421

GREAT LAKES WINE AND SPIRITS 373 VICTOR HIGHLAND PARK, MI 48203-3117

Ship To: 01

GREAT LAKES WINE AND SPIRITS. WINE DISTRIBUTION CENTER 9900 VOLTE ST. DETROIT, MI 48227

Customer P.O. 212437 P.O. Date

1/4/2022

Ship Date 1/7/2022

Carrier

Product Description	Ordered	Shipped	Gallons	Whse	Unit Price	Amount
N&N 19 Sullenger Cabernet CJS196W 0.75 LITER	24	24	28.531	4785E	347.00	\$8,328.00
N&N 19 State Ranch Cabernet CSR196W 0.75 LITER	24	24	28.531	4785E	347.00	\$8,328.00
Post & Beam '19 NV Cab Sauv PBC192C 0.75 LITER	44	44	104.612	4785E	300.00	\$13,200.00

Over 14 to 21%	Cases 211	Bottles 1602	Liters 1201.5	Gallons 317.4028		
Invoice Totals:	211	1602	1201.5	317.4028		
Please Print the Ir	voice N	umber on y	our Chec	K	Subtotal:	\$65,833.00
Terms: Net 45 Days A service charge of 1:5% per month will be Claims for shortage or damage should be	e added as a made to the t	time-price differen	itial on amounts	stomer immediately	Discount Tax:	
upon receipt of the goods No allowards. Shipment at risk of consignee. Merchandi	se returned w	Goods have been ithout permission	carefully check will not be acce	ed and packed. pted.	TOTAL:	\$65,833.00_/

FN Cellars, LLC P.O. Box 327 Oakville, CA 94562 Phone: 707 044 386

Phone: 707-944-2861

Fax:

FAR NIENTE
WINE ESTATES

Invoice No: 2 Invoice Date: 1 Order No.: F Order Date: 1

2045394 1/24/2022 F49349 1/18/2022

Bill To: 005421

GREAT LAKES WINE AND SPIRITS 373 VICTOR HIGHLAND PARK, MI 48203-3117 Ship To: 01

GREAT LAKES WINE AND SPIRITS, WINE DISTRIBUTION CENTER 9900 VOLTE ST.

9900 VOLTE ST. DETROIT, MI 48227

Customer P.O. 213604 P.O. Date 213604

Ship Date 1/24/2022 Carrier

Product Description	Ordered	Shipped	Gallons Whse	Unit Price	Amount
Dolce 14 Lt Hrvst Dessert Wine DL1406 0.375 LITER	12	12	7.133 4785E	175.00	\$2,100.00
Far Niente 19 Napa Valley Cabernet CSN192W 0.75 LITER	14	14	33.286 4785E	740.00	\$10,360.00
Far Niente 20 Est Chardonnay CH0202B 0.75 LITER	12	12	28.531 4785E	399.00	\$4,788.00
N&N 19 Bear Track Cabernet CBT196W 0.75 LITER	5	5	5.944 4785E	332.00	\$1,660.00
N&N 19 Branding Iron Cabernet CBI196W 0.75 LITER	12	12	14.265 4785E	332.00	\$3,984.00
N&N 19 Sullenger Cabernet CJS196W 0.75 LITER	12	12	14.265 4785E	332.00	\$3,984.00
N&N 18 Suscol Merlot MSU186B 0.75 LITER	12	12	14.265 4785E	144.00	\$1,728.00

14% Alcohol or Less	12	72	27	7.1326		
Over 14 to 21%	67	558	418.5	110.5561	TO	
Invoice Totals:	79	630	445.5	117.6887		
Please Print the In	voice	Number on y	our Chec	k	Subtotal:	\$28,604.00
Terms: Net 45 Days A service charge of 1.5% per month will be Claims for shortage or damage should be upon receipt of the goods. No allowance for the state of t	e added a made to t	he transportation com ge. Goods have been	ntial on amount	s past dues. stomer immediately	Discount Tax:	
Shipment at risk of consignee. Merchandi	e returne	without permission	will not be acce	epted.	TOTAL:	\$28,604.00

Liters

Gallons

Cases

Bottles

MISSOURI ONLINE BUSINESS FILING

MY ACCOUNT

HOME

SEARCH

MISC INFO

UCC FILING

Help

Limited Liability Company Details as of 4/4/2024

Required Field

File Documents - select the filing from the "Filing Type" drop-down list, then click FILE ONLINE.

File Registration Reports - click FILE REGISTRATION REPORT.

Copies or Certificates - click FILE COPIES/CERTIFICATES.

RETURN TO SEARCH RESULTS	С	reate Filing		FILE ONLINE
	A	Amendment to Articles of Organization	_	
ORDER COPIES/ CERTIFICATES				
General Information Fili	ngs Princip	oal Office Address Contact(s)		
	Name(s)	Far Niente LLC	Principal Office Address	3131 Rutger St Saint Louis, MO 63104-1227
	Туре	Limited Liability Company	Charter No.	LC014370611
	Domesticity	Domestic	Home State	
Reg	gistered Agent	Dunigan , Aaron 3131 Rutger St Saint Louis, MO 63104-1227	Status	Active
	Date Formed	4/11/2022		
	Duration	Perpetual		

The information contained on this page is provided as a public service, and may change at any time. The State, its employees, contractors, subcontractors or their employees do not make any warranty, expressed or implied, or assume any legal liability for the accuracy, completeness or usefulness of any information, apparatus, product or process disclosed or represent that its use would not infringe on privately-owned rights.



Case 2:24-cv-10963-BRM-KGA ECF No. 1, PageID.30 Filed 04/12/24 Page 30 of 43



State of Missouri

John R. Ashcroft, Secretary of State Corporations Division PO Box 778 / 600 W. Main St., Rm. 322 Jefferson City, MO 65102 LC014370611 Date Filed: 4/11/2022 John R. Ashcroft Missouri Secretary of State

Articles of Organization

(Submit with filing fee of \$105.00)

	(Must include "Limited Liability Company," "Limi	ted Company," "LC," "L.C.," "L.L.C.,"	or "LLC")
2. The purpose(s) for	which the limited liability company is organize	zed:	
To further grow my	wine business to the next level by having all	of my business in order.	
2. The name and add	ess of the limited liability company's register	and agent in Misseymi is:	
3. The name and addi Aaron Dunigan	3131 Rutger St	0	int Louis, MO 63104-1227
Name	Street Address: May not use PO Box unless street)/State/Zip
4. The management of	of the limited liability company is vested in:	□ managers ⊠ mem	bers (check one)
	on which the limited liability company is to cay be any number or perpetual: Perpetual	lissolve or the number of years	the limited liability company is to
(The an	swer to this question could cause possible tax consequen	nces, you may wish to consult with you	r attorney or accountant)
6. The name(s) and st	reet address(es) of each organizer (PO box may (Organizer(s)) are not required to be		
Name	Address		<i>City/State/Zip</i> Saint Louis MO 63104-
Dunigan, Aaron	3131 Rutger St		1227
	TIONAL) Pursuant to Section 347.186, the lint. The names of the series must include the f		
New Series: ☐ The limited liab	ility company gives notice that the series has	limited liability.	
New Series:		limited liability.	
☐ I ne limited liab	ility company gives notice that the series has		
New Series:	ility company gives notice that the series has ility company gives notice that the series has	limited liability.	
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New Series: ☐ The limited liab (Each separate seri	ility company gives notice that the series has	·	
New Series: ☐ The limited liab (Each separate seri	o return filed document:	·	
New Series: ☐ The limited liab (Each separate seri	o return filed document:	·	

address): 3131 Rutger St	ddress (OPTIONAL) of the limited liability company (PO Box may OBox may only be used in conjunction with a physical street address)	Saint Louis, MO 63104-1227 City/State/Zip
9. The effective date indicated: :	of this document is the date it is filed by the Secretary of State of	
	(Date may not be more than 90 days after the filing date in t	his office)
· · · · · · · · · · · · · · · · · · ·	the facts stated above are true and correct: ands that false statements made in this filing are subject to the penalties p gn:	rovided under Section 575.040, RSMo)
Aaron Dunigan Organizer Signature	AARON DUNIGAN Printed Name	04/11/2022 Date of Signature



John R. Ashcroft Secretary of State

CERTIFICATE OF ORGANIZATION

WHEREAS,

Far Niente LLC LC014370611

filed its Articles of Organization with this office on the 11th day of April, 2022, and that filing was found to conform to the Missouri Limited Liability Company Act.

NOW, THEREFORE, I, John R. Ashcroft, Secretary of State of the State of Missouri, do by virtue of the authority vested in me by law, do certify and declare that on the 11th day of April, 2022, the above entity is a Limited Liability Company, organized in this state and entitled to any rights granted to Limited Liability Companies.

IN TESTIMONY WHEREOF, I hereunto set my hand and cause to be affixed the GREAT SEAL of the State of Missouri. Done at the City of Jefferson, this 11th day of April, 2022.

Secretary of State

Case 2:24-cv-10963-BRM-KGA ECF No. 1, PageID.34 Filed 04/12/24 Page 34 of 43

neighbors

6300 South Lindbergh Sr. Louis MO 63123-7804 314-892-5400 MEMBER NUMBER STATEMENT BRANCH PAGE

04-30-22 8

38.1.11955 1 MB 0.482 36462D11.ps 293882 12 WW.neighborscu.org

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FAR NIENTE LLC PO BOX 327

OAKVILLE CA 94562-0327

Manage your funds at home or on the go when you download our simple and safe Mobile Banking App. Track your spending, pay on the spot and manage your accounts all from the convenience of your smart device. Visit NeighborsCU.org for more information.

	TR	IANSACTION DESC	RIPTION		AMOUNT	FINANCE BALANC
Regular Savings	,	ACCT# 1	04-12-22 THRU	04-30-22	PREVIOUS BALANC	CE 0.00
APR12 NEW ACCOUNT						0.00
APR12 DEPOSIT	NEW ACC	T .			0.00	0.00
APR13 DEPOSIT		chk great lakes wi	no cnimita lla		5.00	5.00
APR22 WITHDRAWAL	11 d1	unk great rakes wi	ne spirits itc		183,123.00	183,128.00
APR22 CASHIER CHECK FE	E	il	d1		175,000.00-	8,128.00
APR25 WITHDRAWAI			4		15.00-	8,113.00
0425 APR25 DEBIT CARD TRANS	S KING DR ACTION FEE	CHICAGO	IL		503.50-	7,609.50
0425	S KING DR	CHICAGO	IL		2.50-	7,607.00
APR25 TRANSFER	2				7,586.00-	21.00
APR30 NEW BALANCE					7,300.00-	21.00
						21.00
	1	TOTAL FOR	TOTAL	1		
	- 1	THIS PERIOD	YEAR-TO-DATE	i		
TOTAL OVERDRAFT FEES						
TOTAL OVERDRAFT FEES WA	TVED	0.00	0.00	1		
TOTAL OTEKNAALI FEES WA	ITAED	0.00	0.00	İ		
TOTAL RETURNED ITEM FEE	. 2			1		
TOTAL RETURNED ITEM FEE	S WATVED	0.00	0.00			
		0.00	0.00			
Basic Business Ch	ecking A	CCT# 2	04-12-22 THRU	04-30-22	PREVIOUS BALANCE	
				04-50-22	PREVIOUS BALANCI	0.00
0040 HWILL						
PR12 NEW ACCOUNT					0.00	0.00
PR12 DEPOSIT	NEW ACCT	Г			0.00 25.00	0.00
PR12 DEPOSIT PR25 TRANSFER	NEW ACCT	r			25.00	25.00
PR12 DEPOSIT PR25 TRANSFER	1				25.00 7,586.00	25.00 7,611.00
PR12 DEPOSIT PR25 TRANSFER PR25 CASH ADVANCE	1	T HORSESHOE HAMMON F	O HAMMOND IN	04-25-	25.00 7,586.00 5,202.95-	25.00
PR12 DEPOSIT PR25 TRANSFER PR25 CASH ADVANCE	1	HORSESHOE HAMMON H		04-25-	25.00 7,586.00 5,202.95-	25.00 7,611.00
PR12 DEPOSIT PR25 TRANSFER PR25 CASH ADVANCE PR26 DEBIT CARD DEBIT	1			04-25- 04-25-	25.00 7,586.00 5,202.95- 22 2,326.73-	25.00 7,611.00 2,408.05
PR12 DEPOSIT PR25 TRANSFER PR25 CASH ADVANCE PR26 DEBIT CARD DEBIT	1	HORSESHOE HAMMON H	CKG MO	04-25-	25.00 7,586.00 5,202.95- 22 2,326.73- 22 5.90-	25.00 7,611.00 2,408.05 81.32
PR12 DEPOSIT PR25 TRANSFER PR25 CASH ADVANCE PR26 DEBIT CARD DEBIT PR25E DEBIT CARD DEBIT	1	HORSESHOE HAMMON H	CKG MO		25.00 7,586.00 5,202.95- 22 2,326.73- 22 5.90-	25.00 7,611.00 2,408.05
APR12 DEPOSIT APR25 TRANSFER APR25 CASH ADVANCE APR26 DEBIT CARD DEBIT APR25E DEBIT CARD DEBIT	1	HORSESHOE HAMMON H	CKG MO	04-25-	25.00 7,586.00 5,202.95- 22 2,326.73- 22 5.90-	25.00 7,611.00 2,408.05 81.32
PR12 DEPOSIT PR25 TRANSFER PR25 CASH ADVANCE PR26 DEBIT CARD DEBIT PR25E DEBIT CARD DEBIT	1	HORSESHOE HAMMON H MAVGATE WWW.MAVERI SKYWAY CONCESSIONS	CKG MO	04-25-	25.00 7,586.00 5,202.95- 22 2,326.73- 22 5.90-	25.00 7,611.00 2,408.05 81.32 75.42
PR12 DEPOSIT PR25 TRANSFER PR25 CASH ADVANCE PR26 DEBIT CARD DEBIT PR25E DEBIT CARD DEBIT	1	HORSESHOE HAMMON H MAVGATE WWW.MAVERI SKYWAY CONCESSIONS TOTAL FOR	CKG MO CHICAGO IL TOTAL	04-25-	25.00 7,586.00 5,202.95- 22 2,326.73- 22 5.90-	25.00 7,611.00 2,408.05 81.32 75.42
APR12 NEW ACCOUNT APR12 DEPOSIT APR25 TRANSFER APR25 CASH ADVANCE APR26 DEBIT CARD DEBIT APR25E DEBIT CARD DEBIT APR30 NEW BALANCE	1	HORSESHOE HAMMON H MAVGATE WWW.MAVERI SKYWAY CONCESSIONS	CKG MO	04-25-	25.00 7,586.00 5,202.95- 22 2,326.73- 22 5.90-	25.00 7,611.00 2,408.05 81.32 75.42
PR12 DEPOSIT PR25 TRANSFER PR25 CASH ADVANCE PR26 DEBIT CARD DEBIT PR25E DEBIT CARD DEBIT PR30 NEW BALANCE		HORSESHOE HAMMON H MAVGATE WWW.MAVERI SKYWAY CONCESSIONS TOTAL FOR	CKG MO CHICAGO IL TOTAL YEAR-TO-DATE	04-25-	25.00 7,586.00 5,202.95- 22 2,326.73- 22 5.90-	25.00 7,611.00 2,408.05 81.32 75.42
APR12 DEPOSIT APR25 TRANSFER APR25 CASH ADVANCE APR26 DEBIT CARD DEBIT APR25E DEBIT CARD DEBIT APR30 NEW BALANCE APR30 NEW BALANCE		HORSESHOE HAMMON H MAVGATE WWW.MAVERI SKYWAY CONCESSIONS TOTAL FOR THIS PERIOD	CKG MO CHICAGO IL TOTAL YEAR-TO-DATE	04-25-	25.00 7,586.00 5,202.95- 22 2,326.73- 22 5.90-	25.00 7,611.00 2,408.05 81.32 75.42
APR12 DEPOSIT APR25 TRANSFER APR25 CASH ADVANCE APR26 DEBIT CARD DEBIT APR25E DEBIT CARD DEBIT APR30 NEW BALANCE APR30 NEW BALANCE APR30 DEBIT CARD DEBIT APR30 NEW BALANCE	IVED	HORSESHOE HAMMON H MAVGATE WWW.MAVERI SKYWAY CONCESSIONS TOTAL FOR THIS PERIOD	CKG MO CHICAGO IL TOTAL YEAR-TO-DATE	04-25-	25.00 7,586.00 5,202.95- 22 2,326.73- 22 5.90-	25.00 7,611.00 2,408.05 81.32 75.42
APR12 DEPOSIT APR25 TRANSFER APR25 CASH ADVANCE APR26 DEBIT CARD DEBIT APR25E DEBIT CARD DEBIT APR30 NEW BALANCE APR30 NEW BALANCE	I IVED	HORSESHOE HAMMON H MAVGATE WWW.MAVERI SKYWAY CONCESSIONS TOTAL FOR THIS PERIOD	CKG MO CHICAGO IL TOTAL YEAR-TO-DATE	04-25-	25.00 7,586.00 5,202.95- 22 2,326.73- 22 5.90-	25.00 7,611.00 2,408.05 81.32 75.42

Case 2:24-cv-10963-BRM-KGA ECF No. 1, PageID.35 Filed 04/12/24 Page 35 of 43 Name or address change Please check your name(s) and address on the front of this statement. If not exactly correct, complete this form and return it to the credit union. Place an "X" in front of the items to be changed. ☐ Member's Name ☐ Phone No. ☐ Joint Member's Name(s) ☐ Address (Including Apt. No.) ☐ City and State ___ Zip Code ______ Signature X Detach and return to credit union. Please retain this statement. It is a permanent record of your transactions. The balance amount does not reflect the amount on hold for debit card, check deposits or other transactions. Your available balance may be less than the printed balance. Regular share accounts are not transferable except on the records of this credit union. This statement of account contains income tax reporting data, year to date interest and/or dividends. The dividend amount will be reported to federal and state governments per requirements. Retain your statement of account for purposes of income tax reporting. To prove the share account new balance as shown on your statement; Date 1. Go through your draft stubs or draft register and check off each deposit or other credit amount listed on this statement. If you have a deposit or Amount other credit in your draft stubs or draft register that is not shown on this statement, list the amount in deposits outstanding column. Also list any deposits or other credits still outstanding from a previous statement. Total and enter on line 3 Go through your draft stubs or draft register and check off each draft or other debit listed on this statement. If you have a draft stub or draft register item not shown on this statement, list the amount in drafts outstanding column. Also list any drafts or other debits still outstanding from 3. Total Total and enter on line 5 If there are any errors, notify the credit union immediately. If no error is reported in ten (10) days, the account will be considered correct. All items are credited subject to final payment. Checks outstanding Number Enter new balance from front of statement. Amount or date __ Add total of deposits outstanding (Line 3) __ Subtotal _ Subtract total of drafts outstanding (Line 5) Account balance Enter draft register balance. Add any deposits or other credits which are listed on this statement, but are not listed in your draft register. Also enter this amount into your draft register and add to your draft register balance. Subtract any withdrawals, or other debits which are listed on this statement, but are not listed in your draft register. Also enter this amount into your draft register and subtract from your draft register balance. Your draft register balance should now be the same as the balance in number 6. If there is a difference: (a) Review and check all figures used. (b) Review last month's statement.

ERROR RESOLUTION NOTICE

In Case of Errors, or Questions About Your Electronic Transfers, Telephone us at 314-892-In Case of Errors, or Questions About Your Electronic Transfers, Telephone us at 314-892-5400 or 1-800-325-2697 or Write us at Neighbors Credit Union, Attn: Member Services, 6300 S. Lindbergh, St. Louis, MO 63123, as soon as you can, if you think your statement or receipt is wrong or if you need more information about a transfer listed on the statement or receipt. We must hear from you no later than 60 days after we sent the FIRST statement on which the problem or error appeared.

(1) Tell us your name and account number (if any).

(2) Describe the error or the transfer you are masure about, and explain as clearly as you can why you believe it is an error or why you need more information.

(3) Tell us the dollar amount of the suspected error.

5. Total

If you tell us orally, we may require that you send us your complaint or question in writing within 10 business days.

We will determine whether an error occurred within 10 business days after we hear from you We will determine whether an error occurred within 10 business days after we near from you and will correct any error promptly. If we need more time, however, we may take up to 45 days to investigate your complaint or question. If we decide to do this, we will credit your account within 10 business days for the amount you think is in error, so that you will have the use of the money during the time it takes us to complete our investigation. If we ask you to put your complaint or question in writing and we do not receive it within 10 business days, we may not credit your account.

For errors involving new accounts, point-of-sale, or foreign-initiated transactions, we may take For errors involving new accounts, point-of-sale, or foreign-initiated transactions, we may take up to 90 days to investigate your complaint or question. For new accounts, we may take up to 20 business days to credit your account for the amount you think is in error. We will tell you the results within three business days after completing our investigation. If we decide that there was no error, we will send you a written explanation. You may ask for copies of

the documents that we used in our investigation.

Balance Computation Method

We figure the finance charge on your account by applying the periodic rate to the "daily balance" of your account for each day in the billing cycle. To get the "daily balance" we take the beginning balance of your account each day, add any new purchases/advances/fees, and subtract any unpaid finance charges (if any) and any payments or credits. This gives us the daily balance.

The following summary explanation of your rights to dispute or question bills applies only to these bills for a loan(s) designated as LINE OF CREDIT LOAN TYPE(S) on the front of this Statement of Account.

BILLING RIGHTS SUMMARY In Case of Errors or Questions About Your Bill

If you think your bill is wrong, or if you need more information about a transaction on your bill, write us at the address shown on your bill as soon as possible. You may also contact us on the Web: www.NeighborsCU.org. We must hear from you no later than 60 days after we sent you the first bill on which the error or problem appeared. You can telephone us, but doing so will not preserve your rights. preserve your rights.

In your letter, give us the following information:

• Your name and account number.

(c) Check all addition and subtraction in your draft register.

 Your name and account number.
 The dollar amount of the suspected error.
 Describe the error and explain, if you can, why you believe there is an error. If you need more information, describe the item you are unsure about.
You do not have to pay any amount in question while we are investigating, but you are still obligated to pay the parts of your bill that are not in question. While we investigate your question, we cannot report you as delinquent or take any action to collect the amount you agostion. question.

Special Rule for Credit Card Purchases

If you have a problem with the quality of goods or services that you purchased with a credit card, If you have a problem with the quality of goods or services that you purchased with a credit car and you have tried in good faith to correct the problem with the merchant, you may not have to pay the remaining amount due on the goods or services. You have this protection only when the purchase price was more than \$50 and the purchase was made in your home state or within 100 miles of your mailing address. (If we own or operate the merchant, or if we mailed you the advertisement for the property or services, all purchases are covered regardless of amount or location of purchase.) location of purchase.)

Liability for Unauthorized Use

If you notice the loss or theft of your credit card or a possible unauthorized use of your eard, you should write to us immediately at:
Neighbors Credit Union, 6300 South Lindbergh, St. Louis, MO 63123

You may also contact us on the Web; www.NeighborsCU.org.
You will not be liable for any unauthorized use that occurs after you notify us. You may, however, be liable for unauthorized use that occurs before your notice to us. In any case, your liability will not exceed \$50.

REPORTS TO CREDIT BUREAUS

We may report information about your account to credit bureaus. Late payments, missed payments, or other defaults on your account may be reflected in your credit report.

Stot Case 2:24-cv-10963-BRM-KGA ECF No. 1, PageID.36 Filed 04/12/24 Page 36 of 43



FAR NIENTE LLC PO BOX 327 OAKVILLE CA 94562-0327 MEMBER NUMBER STATEMENT BRANCH PAGE

04-30-22 8 2

Manage your funds at home or on the go when you download our simple and safe Mobile Banking App. Track your spending, pay on the spot and manage your accounts all from the convenience of your smart device. Visit NeighborsCU.org for more information.

DATE	27 80 7		TRANSACTION DESCRIPTION		AMOUNT	FINANCE CHARGE	BALANCE
		******	STATEMENT SUMMARY	******	•		
ACCT	NEW BALANCE	DIVIDENDS YTD	TAX NAME	LOA	NEW BALANCE		
1 2 Total	21.00 75.42 DIVIDENDS YTD	0.00 0.00 0.00	FAR NIENTE LLC FAR NIENTE LLC	===	=======================================		





Statement of Fraud

Section I	Claimant Information El	M Event Number	22052649	832	Ser Nation		
Name		Home Phone	V	Work Phone			
FAR NII	ENTE / FN Cellars LLC			(707) 944-2861			
Address		City	S	State/Zip			
P.O. Box	327	Oakville		CA / 94562			
Primary I.D		Secondary I.D.					
Bank Check Was Drawn On Section II Check Information Bank Check Was Drawn On Issued By (Maker of Check) Check Number Check Date Post Date Amount of Item							
	1	Check Number	Check Date	Post Date	Amount of Item		
	ICA BANK GREAT LAKES WINE & SPIRITS LI	101012	03/04/22		\$183,123.00		
Payable to 1	the Order of Name all Payees as they appe llington, Jane Wellington OR Lisa Thomas)	ear on check (e.g., M	larion Passer A	ND ABC Contr	actors, Inc.;		
FAR NII							
TAINI		ion III Claim		100	COURT IN		
Initial	the appropriate box(s) to describe the claim		ition, or missin	o sionature/en	dorsement		
To: Comerio							
information	contained in this statement, including the info	rmation in the boxes	I have initialed	below are true.			
Initials	Claim						
	Maker's Signature Forged and/or Counterfeit Check The maker's signature of on the che						
	is a forgery and/or the check is a counterfeit	(e.g., not the custom	er's legitimate	check stock or j	produced without		
	issuer's approval). I did not sign the check	and I did not authori	ze the signature				
\bigcirc	Unauthorized Maker's Signature The n				n the check is not		
	authorized. The person who issued and sign	ned the instrument is	not authorized t	to use the accou	ınt.		
	Endorsement Forged The endorsement of, a named payee on the check is a forgery.						
	I did not authorize or write the endorsement.						
$\overline{}$	Missing Endorsement- Payee's Statement	My endorsement of	on the check is	missing and I d	id not authorize		
	the negotiation of the check and did not ben	efit from the negotiat	ion of the chec	k. I declare I w	as entitled to		
	receive \$ as the paye	ee of the check.					
\bigcirc	Missing and/or Improper Endorsement a	nd/or Not Endorsed	l as Drawn N	1aker's Staten	nent The		
	endorsement of payee(s)said payee(s) was/were entitled to receive \$, was /were n	nissing or was/v	vere improper o	on the check and		
	who claims to have not received payment an	d did not authorize n	egotiation. If n	ouns percentag naker does not	know amount the		
	payee(s) was/were entitled to receive indica	te "unknown").					
	Check Amount Altered The amount of t						
	\$to \$ I did i	not alter the amount of	of the check nor	did I authorize	any alteration.		
\circ	Payee Named Was Altered The name of	he payee(s) as written was altered on the check from I did not alter the payee's name nor did I					
	authorize any alteration.		I did not alle	a die payee s n	ame nor did i		
	Other						
\odot		EMENT DA	VEFO	T // T K / I	ENIT		
	IMPROPER ENDORS		AYEE 2		⊏IN I		

I declare that:

I did not receive any benefit or value from proceeds of the above described check, and no proceeds from it were applied to any use or purpose on my behalf. I have not arranged with the person(s) who misused the check to be reimbursed or receive benefit from the proceeds of the above described check. I promise to testify or certify to the truth of all applicable information in this statement before any competent judge, officer of the court, or other person, in any case now pending or which may occur regarding this statement.

initials*	I suspect of (address if known, home/ work)					
	Of having misused the check described in this statement, as I have stated above. I believe this person did this under the following circumstances: (Please provide as much information as possible)					
initials*						
	Use additional page if necessary					
	I fully realize that Comerica or the bank that negotiated this check may cause the arrest of a person or persons (including the person(s) suspected above) for the fraud of identified above and I hereby acknowledge that any such arrests may be caused by Comerica or the bank where the check was negotiated or deposited, solely in reliance upon the representations of fact made herein, regardless of whether one or more persons arrested is a relative or friend of the claimant. In addition, I will indemnify and hold harmless Comerica and/or the bank where the check was negotiated or deposited from any liability arising out of; relating to or in any connection with such arrest in the event that the representations of fact made herein should prove to be untrue.					
	*I have provided and hereby read and confirmed the information regarding the suspects and I have placed my initials the boxes above to indicate the information is true and accurate.					
	*The person signing/executing this statement agrees that the signature on the statement may be delivered by facsimile, pdf, e-mail or other electronic or reproduced signatures, which shall be deemed an original signature for all purposes as fully binding upon the person so signing the statement					
	Claimant Signature Date May 19,2022					
	Print Name: Dana Vivier Title CFO					

If applicable, claimant is an agent of and completing this statement on behalf of (Print Name of Principal)

, and as such is authorized to speak on its behalf.

Case 2:24-cv-10963-BRM-KGA ECF No. 1, Pagel Durient i Pate 4/12/24 PARIE 45. 2024



Account Number: June 17, 2022 Capture Date: Item Number: 5250115743284 Posted Date: June 17, 2022 Posted Item Number: 970007579

Record Type: Debit

Amount:

RT Number: 072000096

GREAT LAKES WINE & SPIRITS LLC DISBURSEMENT ACCOUNT 373 VICTOR ST HIGHLAND PARK MI 48203

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

COMERICA BANK DETROIT, MI

9-9/720

169383

GREAT LAKES WINE & SPIRITS, LLC.

373 VICTOR AVE., HIGHLAND PARK, MI 48203

CHECK DATE 5/20/2022

CONTROL NO

183,123.00

183,123.00

One Hundred Eighty Three Thousand One Hundred Twenty Three Dollars And 00

PAY

FAR NIENTE

TO THE ORDER

PO BOX 327

OF

OAKVILLE CA 94562

GREAT LAKES WINE & SPIRITS, LLC.

#169383# C072000096G

CoBank ACB

Pay to CoBank, ACB FN Cellars LLC - Operation Credit to Account:

Case 2:24-cv-10963-BRM-KGA ECF No. 1, PageID.43 Filed 04/12/24 Page 43 of 43



OUTGOING COLLECTION LETTER @Comerica.com

Type: Without Entry **IMPROPER** Claim:

ENDORSEMENT

Clerk: Marie Puma

OUR CUSTOMER: GREAT LAKES WINE & SPIRITS LLC

Reference # 23012851566

1/25/2023

TO: **Neighbors Credit Union**

Attn Check Fraud Investigations

6300 So Lindbergh Mehlville, MO 63123 MAIL PAYMENT TO: **COMERICA BANK**

Attn: Return Without Entry

P.O. BOX 675403

DETROIT, MI 48267-5403

REMIT \$183,123.00

COMMENTS: IMPROPER ENDORSEMENT CLAIM FOR CHECK #167842